

Exhibit A

1 UNITED STATES OF AMERICA
2 UNITED STATES DISTRICT COURT
3 CENTRAL DISTRICT OF CALIFORNIA
4 WESTERN DIVISION

5 - - -
6 HONORABLE MARIANA R. PFAELZER,
7 UNITED STATES DISTRICT JUDGE PRESIDING
8 - - -

9 NEUROGRAFIX,)
10) CERTIFIED COPY
11 PLAINTIFF,)
12)
13 VS.) CV 10-01990 MRP
14)
15 SIEMENS MEDICAL SOLUTIONS)
16 USA INC., et al.,)
17)
18 DEFENDANTS.)
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22 MARKMAN HEARING
23 REPORTER'S TRANSCRIPT OF PROCEEDINGS
24 THURSDAY, MARCH 24, 2011
25 A.M. SESSION
LOS ANGELES, CALIFORNIA

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1 demonstrated, and some claims indeed are
2 step-plus-function, if that phrase is not used.

3 In the analysis, Masco Corp., the gear
4 system's case we cite, point to if it is a method claim
5 with a step and a function, but it doesn't actually tell
6 you what acts to perform to perform the function, well,
7 then it's no different than -- well, then it's just
8 considered under 1126 in the method context.

9 And here, these claims are. This is Claim
10 36 on the screen.

11 Now, remember, Claim 55 talks about a
12 process or a process or means. This is the step of
13 processing said data representative anisotropic
14 diffusion. The function is to generate a dataset
15 describing the shape and position.

16 THE COURT: That is what the function is.

17 MR. LOCASCIO: And that is exactly the same
18 function, not surprisingly, as it was is back in Claim
19 55. And I'm not suggesting, Your Honor, that there's
20 presumption that if you have it both as an apparatus and
21 as a method that you automatically turn all those
22 methods into step-plus-function.

23 But what I am saying is when you have
24 language like this that doesn't tell you any act to
25 perform in the claim to do it. Okay. What do I do to

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CERTIFICATE OF REPORTER.

COUNTY OF LOS ANGELES)
) SS.
STATE OF CALIFORNIA)

I, SHERI S. KLEEGER, OFFICIAL COURT REPORTER, IN AND FOR
THE UNITED STATES DISTRICT COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA, DO HEREBY CERTIFY THAT PURSUANT
TO SECTION 753, TITLE 28, UNITED STATES CODE, THE
FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE
STENOGRAPHICALLY REPORTED PROCEEDINGS HELD IN THE
ABOVE-ENTITLED MATTER AND THAT THE TRANSCRIPT PAGE
FORMAT IS IN CONFORMANCE WITH THE REGULATIONS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES.

DATE: APRIL 4, 2011

SHERI S. KLEEGER, CSR
FEDERAL OFFICIAL COURT REPORTER